

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 37-7861)	ORDER GRANTING PETITION
IN THE NAME OF JAMES W. MECHAM)	TO REMOVE MEASURING
_____)	DEVICE REQUIREMENT

This matter having come before the Department of Water Resources (Department) as a petition to remove a measuring device requirement, the Department finds, concludes and orders:

FINDINGS OF FACT

1. On March 13, 1981, the Department issued Permit 37-7861 (permit) to James W. Mecham (permit holder) with a condition of approval requiring the installation of measuring devices as part of the diversion works and of the discharge works.
2. On November 1, 2009, the Department received a letter from the permit holder requesting removal of the measuring device requirement on the discharge works.
3. On December 3, 2009, the Department received the recommendation of the watermaster of Water District No. 130 that the measurement device requirement at the discharge works be waived.
4. Installation of a measuring device at the point of discharge for the permit is not necessary for administration of this water right at this time.
5. The right holder has complied with the requirement to install a measuring device at the point of diversion for the permit.

CONCLUSIONS OF LAW

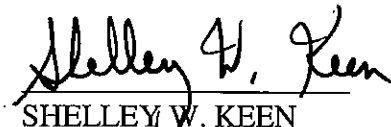
1. Beneficial Use Examination Rule 35.02.d. (IDAPA 37.03.02.35.02.d.) provides for the waiver of a measuring device requirement by the Department.
2. The Department should waive the measuring device requirement at the point of discharge for the permitted water use.

ORDER

On Permit No. 37-7861, approval condition no.1. c., which requires the permanent installation of measuring devices as part of the diversion works and as part of the effluent discharge works of the permit, is **MODIFIED** as follows:

The right holder shall maintain a measuring device of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Dated this 4th day of December, 2009.


SHELLEY W. KEEN
Manager, Water Rights Section